

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
JOEL DEPERCIN,

Plaintiff,

-against-

THE CITY OF NEW YORK, POLICE OFFICER
DONALD PIRONE (SHIELD NO. 10907), POLICE
OFFICER JOHNE DOE 1-2,

Defendants.
-----X

NOTICE OF MOTION

10 CV 6633 (CM)

PLEASE TAKE NOTICE that, upon a declaration, exhibits and accompanying memorandum of law, defendants City of New York and Police Officer Donald Pirone will move this Court before the Honorable Colleen McMahon, United States District Judge, at the United States District Court for the Southern District of New York, located at 500 Pearl Street, New York, New York, at a date and time to be determined by the Court, in accordance with the Honorable Colleen McMahon's individual practices, for summary judgment pursuant to Rule 56 of the Federal Rules of Civil Procedure on the grounds that defendant Pirone is entitled to qualified immunity as to some or all of plaintiff's claims, that plaintiff fails to state a claim against the City of New York, and for such other and further relief as the Court deems just, proper and equitable.

PLEASE TAKE FURTHER NOTICE that such motion will be submitted following the prescribed period of discovery set forth by the Court.

Dated: New York, New York
December 13, 2010

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Attorney for Defendants City and Officer Pirone
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By:


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BY ECF

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Index No. 10 Civ. 6633 (CM)

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MICHAEL A. CARDOZO

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Attorney for Defendants City & Officer Pirone*

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New York, N.Y. 10007

Of Counsel: Alexandra Corsi

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LAWMANAGER No. 2010-035693

Due and timely service is hereby admitted.

New York, N.Y., 2010

..... Esq.

Attorney for